

REMARKS

Claims 1–16 are pending in the present application. Paragraph 3 of the office action rejects claims 1, 4, 5, 7, 8, 9, 12, 13, 15 and 16 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 2,691,316 to *Brame* in view of U.S. Published Application No. 2004/0035257 to *Tuan-Mu*. Paragraph 4 of the office action rejects claims 2, 6, 10 and 14 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 2,691,316 to *Brame* in view of U.S. Published Application No. 2004/0035257 to *Tuan-Mu* and U.S. Patent No. 4,337,860 to *Carrigan*. Paragraph 5 of the office action rejects claims 3 and 11 under 35 USC 103(a) as being unpatentable over U.S. Patent No. 2,691,316 to *Brame* in view of U.S. Published Application No. 2004/0035257 to *Tuan-Mu* and U.S. Patent No. 5,368,164 to *Bennett et al.*

Applicants respectfully traverse the rejection of claims 1, 4, 5, 7, 8, 9, 12, 13, 15 and 16 as being made obvious by *Brame* in view of *Tuan-Mu* since there is no suggestion or motivation to combine the wrench and extension of *Brame* with the socket taught by *Tuan-Mu*.

Brame discloses a wrench body generally indicated by numeral 5 having an annular head 6 adapted to rotatably receive a ratchet hub 7 and a shank 8 defining a square aperture 9 therethrough. Hub 7 has a central aperture 27 and is formed with a series of teeth which may vary in number depending on the type of nut to be operated on or the nature of the fitting with which it is to be used. Aperture 9 is adapted to receive a pivoting squared end 10 of an extension handle 11. The pivoting nature of square tang 10 allows the wrench to be operated from various angles of approach, as stated at col. 1, lns. 13 – 18.

Tuan-Mu discloses a ratcheting tool 10 having a head 14 and a handle 12 attached to the head. The head rotatably receives a gear ring 30 and receives a pawl 60 that is in operative engagement with the gear ring. A housing 78 disposed in the head receives a spring 100 that is in operative engagement with the pawl so that rotation of the lever causes the pawl to move between a first position and a second position. A socket 118, including a socket portion 120 and a post 122, may be inserted into gear ring 30. Post 122 is beveled at an upper surface 130 to facilitate its insertion into the center hole of gear ring 130.

Use of the *Tuan-Mu* socket in *Brame* would require that the *Brame* hub be modified to provide a circumferential groove in the inner circumference of the hub to releasably retain the ring on the outer circumference of the socket in the hub. However, *Brame* fails to provide any suggestion or motivation to include the socket disclosed in *Tuan-Mu* with the wrench and extension disclosed in *Brame*, and also fails to suggest or motivate one of skill in the art to make such modifications since the *Brame* hub is shaped to work directly on a nut or fastener. Thus, the Examiner is using impermissible hindsight to combine the wrench and extension in *Brame* with the socket disclosed in *Tuan-Mu*.

The Office Action also indicates that use of a hexagonal aperture as opposed to a square shaped drive opening is notoriously old and well known in the art. Thus, the Office Action concludes that it would have been obvious to one of ordinary skill in the art to form the square opening of *Brame* as hexagonal.

Even assuming that a motivation or suggestion to combine the teachings in *Tuan-Mu* with that of *Brame*, it would not have been obvious to modify the square opening in the *Brame* box end wrench handle with a hexagonal opening that is sized to receive the fitting on the drive bar.

Claims 9 and 13 call for, among other things,
a drive bar having a handle at a first end and a fitting at an opposite second end . . . ;
a wrench having a first end defining a hex shaped opening that is sized to releasably
receive said drive bar fitting

The claimed wrench design allows for the extension handle to be mounted at multiple angles with respect to the box end wrench handle in a plane perpendicular to the axis of the ratchet ring. *Brame* is directed to a box end wrench that is capable of operation from various angles of approach. This objective is accomplished by the use of a pivoting square tang mounted on an extension handle. Thus, while the *Brame* extension can be angled with respect to the wrench handle in a plane parallel to the axis of the ratchet hub, there is no teaching to angle the extension with respect to the box end handle in a plane perpendicular to the ratchet hub axis.

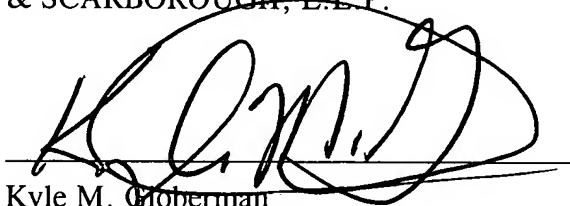
The Office Action offers no references that teach or disclose a double box end wrench having a first end defining a hex shaped opening that is sized to releasably receive the drive bar fitting. Instead, the Office Action proffers an unsupported statement that a hexagonal opening is "notoriously old." Consequently, if a double box end wrench having a first end defining a hex shaped opening that is sized to releasably receive a drive bar fitting is notoriously old, the Examiner should be able to provide ample references that teach or disclose such an arrangement. For at least this reason, it would not have been obvious to one of ordinary skill in the art to replace the square aperture in *Brame* with a hex opening as set forth in the claims.

CONCLUSION

For at least the reasons stated above, Applicants believe that claims 1-16 are nonobvious in view of the cited art and are in condition for allowance. Favorable action by the Examiner and withdrawal of the cited rejections is respectfully requested. The Examiner is invited to call the undersigned in an effort to discuss and resolve any remaining issues. Please charge any additional fees or credit any overpayment to Deposit Account No. 50-1196.

Respectfully submitted,

NELSON MULLINS RILEY
& SCARBOROUGH, L.L.P.

A handwritten signature in black ink, appearing to read 'K. Groberman', is written over a horizontal line.

Kyle M. Groberman
Registration No. 46,730
1320 Main Street
Columbia, SC 29201
Office: (404) 817-6204
Fax: (803) 255-9831